

AARON D. FORD
Attorney General
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General
State of Nevada
Public Safety Division
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1150
E-mail: drands@ag.nv.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THEODORE TSATSA,

Plaintiff,

vs.

ROMERO ARANAS, et al.

Defendants.

Case No. 3:20-cv-00286-MMD-CLB

**DEFENDANTS' MOTION TO VACATE
EARLY MEDIATION CONFERENCE
(JUNE 29, 2021)**

Defendants, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby moves this Court for an order vacating the Early Mediation Hearing set for Tuesday June 29, 2021. This motion is based on the following Memorandum of Points and Authorities, the attached declaration, and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

This case is a *pro se* civil rights action pursuant to 42 U.S.C. §1983. ECF No. 4 at 1. Plaintiff, Theodore Tsatsa (Plaintiff), is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC). *Id.* Plaintiff sues various State actors and NDOC employees and alleges they violated his rights under the Eighth Amendment to the U.S. Constitution. *Id.* at 5.

An early mediation conference was set for Tuesday, June 29, 2021 at 2:30 pm. (ECF No. 6) In preparation for the conference, counsel for the Defendants contacted Plaintiff to discuss this matter. (Declaration of Rands) In the course of that conversation, it became clear that an EMC

1 would not be necessary in this matter. Plaintiff requested a visit with a medical provider to discuss
2 his medical condition, as the records show that he may not currently have the condition for which
3 he brought the action. If the records are explained to him, he expressed he would be willing to
4 stipulate to dismiss his action. Therefore, the EMC would not be necessary. Should the matter not
5 resolve with this plan, Counsel will notify the Court and a decision can be made regarding the
6 necessity of reinstating the conference. Plaintiff, himself, requested that Counsel make this motion
7 to vacate the conference. Therefore, there will be no objection.

8 Based upon the above, and the declaration of Counsel, the Defendants respectfully request
9 this Court vacate the Early Mediation Conference set for June 29, 2021.

10 DATED this 16th day of June, 2021.

11 AARON D. FORD
12 Attorney General

13 By: /s/ Douglas R. Rands
14 DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

15 *Attorneys for Defendants*

16
17
18 THIS CASE SHALL REMAIN STAYED
UNTIL JULY 12, 2021.

19 Dated: June 17, 2021

20
21 
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 16th day of June, 2021, I caused to be served, a true and correct copy of the foregoing, **DEFENDANTS' MOTION TO VACATE EARLY MEDIATION CONFERENCE (JUNE 29, 2021)**, by U.S. District Court CM/ECF Electronic Filing on the following:

Theodore Tsatsa #22857
Care of NNCC Law Librarian
Northern Nevada Correctional Center
P. O. Box 7000
Carson City, NV 89702
lawlibrary@doc.nv.gov

/s/ Roberta W. Bibee
An employee of the
Office of the Attorney General

AARON D. FORD
Attorney General
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1150
E-mail: drands@ag.nv.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THEODORE TSATSA,

Plaintiff,

vs.

ROMERO ARANAS, et al.

Defendants.

Case No. 3:20-cv-00286-MMD-CLB

**DECLARATION OF RANDS IN SUPPORT
OF DEFENDANTS' MOTION TO
VACATE THE EARLY MEDIATION
CONFERENCE**

1. I, Douglas R. Rands am over the age of 18 and am otherwise fully competent to testify to the facts contained in this declaration.

2. The statements contained in this declaration, except where otherwise indicated to be upon information and belief, are based on my personal knowledge and experience.

3. I am an Attorney licensed to practice law in the Federal District Court for the District of Nevada.

4. In connection with the filing of this declaration, I submit this declaration in support of Defendants' Motion to Vacate the Early Mediation Conference in the above matter.

5. An early mediation conference was set for Tuesday, July 29, 2021 at 2:30 pm. (ECF No. 6)

6. In preparation for the conference, counsel for the Defendants contacted Plaintiff to discuss this matter. In the course of that conversation, it became clear that an EMC would not be necessary in this matter.

1 7. Plaintiff requested a visit with a medical provider to discuss his medical condition,
2 as the records show that he may not currently have the condition for which he brought the action.

3 8. Plaintiff stated that if the records are explained to him, he would be willing to
4 stipulate to dismiss his action. Therefore, the EMC would not be necessary.

5 9. Counsel has contacted medical at the Northern Nevada Medical Center and was
6 advised the nurse would meet with Plaintiff, in an expedited fashion. Counsel also requested that
7 medical examine an unrelated condition, while Plaintiff was in the examination.

8 10. Should the matter not resolve with this plan, Counsel will notify the Court and a
9 decision can be made regarding the necessity of reinstating the conference.

10 11. Plaintiff, himself, requested that Counsel make this motion to vacate the conference.
11 Therefore, there will be no objection.

12 DATED this 16th day of June, 2021.

13 AARON D. FORD
14 Attorney General

15 By: /s/ Douglas R. Rands
16 DOUGLAS R. RANDS, Bar No. 3572
 Senior Deputy Attorney General

17 Attorneys for Defendants
18
19
20
21
22
23
24
25
26
27
28